

**RAILWAY SAFETY REGULATOR**

**BID NO.: RSR/POE/LEGAL/2021/08/03**

**REQUEST FOR PROPOSALS FOR  
PANEL OF LEGAL SERVICE PROVIDERS FOR A PERIOD OF 36 MONTHS**

**SUBMISSION OF BID DOCUMENT DEADLINE**

Date: 24 August 2021

Time: 12:00

Venue: Building 4, Waterfall Point Office Park

Cnr Waterfall and Woodmead Drive,

Waterfall City

Midrand,

1685

## PART 1: INTRODUCTION

1.1. The purpose of this document is to request quotations from suitably qualified legal practitioners and law firms who are either practicing as attorneys or advocates. The practitioners are required to assist the RSR by inter alia providing a legal opinion, litigation, legislative drafting, contract advisory services, investigations (including forensic investigation), and governance related matters, for a period of 36 months

### 1.2. APPLICATION FORM: SUPPLIER DETAILS

<b>Name of Bidder</b>	
<b>Form of Enterprise</b>	
<b>CSD Master Registration No</b>	MAAA
<b>Physical Address</b>	
<b>Contact Person(s)</b>	
<b>Phone Number(s)</b>	
<b>E-Mail Address</b>	
<b>Income Tax Reference Number</b>	
<b>Vat Registration Number</b>	

1.3. **BANK DETAILS**

Name of Account: \_\_\_\_\_

Name of the bank: \_\_\_\_\_

Name of the branch: \_\_\_\_\_

Branch Code: 

--	--	--	--	--	--	--	--

Account Number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1.4. **COMPANY STRUCTURE & OWNERSHIP CREDENTIALS**

Name	Date/Position occupied in Enterprise	ID Number	Date RSA Citizenship obtained	* HDI Status			% of business/enterprise owned
				No franchise prior to elections	Women	Disabled	

## **PART 2: MANDATORY REQUIRED DOCUMENTATION CHECKLIST**

**PLEASE ENSURE THAT THE FOLLOWING FORMS HAVE BEEN DULY COMPLETED AND SIGNED AND THAT ALL DOCUMENTS AS REQUESTED, ARE ATTACHED TO THE BID DOCUMENT:**

NO.	DESCRIPTION	YES/NO			
		Yes		No	
1.	<b>SBD 1 Invitation to Bid</b> Is the form duly completed and signed?	Yes		No	
2.	<b>SBD 4 Declaration of Interest</b> Is the form duly completed and signed?	Yes		No	
3.	<b>SBD 6.1 Preference Points Claim Form</b> Is the form duly completed and signed?	Yes		No	
4.	<b>Is a CERTIFIED copy of the B-BBEE Certificate or the original B-BBEE Certificate or affidavit attached?</b> Bidders must submit a valid B-BBEE certificate or sworn affidavit (the sworn affidavit must indicate the full date i.e.: day, month and year of the financial year period e.g., 31 March 2021).	Yes		No	
5.	<b>SBD 8 Declaration of Past Supply Chain Practices</b> Is the form duly completed and signed?	Yes		No	
6.	<b>SBD 9 Certificate of Independent Bid Determination</b> Is the form duly completed and signed?	Yes		No	
7.	<b>General condition of contract</b> Are the general conditions of contract initialed?	Yes		No	
8.	<b>Experience of proposed resources</b> Are the relevant CVs attached?	Yes		No	
9.	<b>Central Supplier Database</b> Is proof of registration attached?	Yes		No	
10	<b>Fidelity fund certificates</b> Is the valid fidelity fund certificate for the law firm attached?	Yes		No	
11	<b>Letter of good standing from the law society</b> Are the valid letter of good standing from the law society for appointed attorneys or legal practitioners attached?	Yes		No	

## **PART 3: PREQUALIFICATION CRITERIA**

### **3.1 PRE-QUALIFICATION**

3.1.1 To advance designated groups on the basis of Broad-Based Black Economic Empowerment (B-BBEE) Status Level of contributor, bidders will be prequalified on the basis of their B-BBEE Status of Level 1, Level 2 and Level 3 contributor. Bidders must submit a valid B-BBEE certificate or sworn affidavit (the sworn affidavit must indicate the full date of the financial year-end i.e.: day, month and year e.g., 31 March 2021)

### **3.2 MANDATORY EVALUATION CRITERIA.**

3.2.1 Fidelity fund certificate for the law firm

## **PART 4: FUNCTIONALITY EVALUATION**

4.1. The section below constitutes the functional evaluation for all **Law Firms** that wish to be included in the database of specialized suppliers.

- a. The information required here is the area of legal competency that your Law Firm specializes in, and years of the existence of the company whilst doing its chosen competency (**10 points**).
- b. Provide examples of projects previously undertaken by your Law Firm or project leaders in their individual capacity for the following litigious and labour matters in the:
  - Magistrate Court,
  - Labour Court,
  - High Court,
  - Supreme Court and / or
  - Constitutional /advice provided by your law firm.

Be able to provide proof of expertise and provide proof of contactable references (**40 points**).

- c. Skills of the **project lead, i.e.**, number of cases successfully handled and projects (Applicants are required to submit copies of the CVs of their responsible project leader who will be driving their chosen field of competency / expertise as chosen in 4.2 below) (**30 points**).

***Each key project leader proposed per competency / expertise will be scored individually on the full points of 30 and averaged.***

- d. Applicants are also required to submit certified copies of the qualifications of the lead project member selected and proof of registration with a professional body (**20 points**)

**A company must at least achieve 70 points of functionality to be included in the panel.**

**4.2. FIELD OF EXPERTISE (*Bidders are allowed to select more than one field*)**

AREA OF COMPETENCY	TICK WHERE APPLICABLE
Public Administration Law (including Constitutional Law)	
Forensic Investigation Services	
Legislative Drafting	
Commercial Law Services	
Corporate Law Services	
Labour Matters	
ICT Contract Advisory Law	

**NB:**

**4.2.1 Bidders should tick all the applicable field(s) of competency or expertise. The Legal Services Panel of Experts will be made up of sub-panels according to field of expertise above.**

**4.2.2 Request for quotations (RFQs) and Request for proposals (RFPs) will be issued within the panel according to the legal services required.**

**4.3. COMPANY EXPERIENCE (10 POINTS)**

Applicants must provide a Company profile. The score for the company years of relevant experience is calculated alongside the submitted company profile, company registration and the CSD report as follows:

YEARS OF EXPERIENCE	POINTS ALLOCATED
LESS THAN 1 YEAR	0 points
FROM 1 YEAR TO 4 YEARS	2 points
ABOVE 4 TO 6 YEARS	4 points
ABOVE 6 TO 10 YEARS	6 points
ABOVE 10 TO 15 YEARS	8 points
ABOVE 15 YEARS	10 points

#### 4.4. NUMBER OF PROJECTS UNDERTAKEN (40 POINTS)

Applicants (Law Firm or project leaders in their individual capacity) are required to provide a list of legal services related contracts / projects undertaken, as referred to section 4.2 above. The list of projects **MUST** be supported by relevant and valid reference letters. The reference letters must be contactable. RSR reserves the right to contact the references provided to verify validity. The score for the evaluation of this section is structured as follows:

NUMBER OF CONTRACTS / PROJECTS UNDERTAKEN	POINTS ALLOCATION
No letter / invalid letter / project irrelevant	0 points
1 valid reference letter (With maximum of 10 letters)	4 points

#### **NB:**

- 4.4.1 Applicants **MUST** submit signed reference letters from clients.
- 4.4.2 **One reference letter per project, per competency / expertise as chosen in 4.2 above.**
- 4.4.3 The reference letter should be on a client's official letterhead with valid contact details, scope of the work and standard of service.
- 4.4.4 Failure to submit contactable reference letters on a client letterhead to support the list provided will lead to no points being scored for that specific project.
- 4.4.5 **The letters should not be older than five (05) years.**

***Reference letters will be evaluated per project, per competency / expertise as chosen in 4.2 above.***



#### 4.5. SKILLS (30)

Applicants are required to submit copies of the CV of **their responsible project leader/s** who will be managing their chosen field of competency / expertise as chosen in 4.2 above. The chosen project leader/s will be evaluated as follows:

<b>EXPERIENCE (30)</b>	<b>POINTS ALLOCATED</b>
<b>0 to less than 10 years</b>	<b>0 Points</b>
<b>10 years but less than 15 years</b>	<b>10 Points</b>
<b>15 years but less than 20 years</b>	<b>20 Points</b>
<b>20 years and above</b>	<b>30 Points</b>

**Scoring: Each key project leader proposed per competency / expertise will be scored individually on the full points of 30 as detailed above and averaged.**

#### 4.6. QUALIFICATION AND REGISTRATION (20)

Applicants are required to submit copies of the qualifications of the lead project member selected. The evaluation of qualifications and registration will be as follows;

<b>QUALIFICATION (10)</b>	<b>POINTS ALLOCATED</b>
<b>LLB or equivalent qualification (B Proc or B Juris) in the selected field of expertise</b>	<b>5 points</b>
<b>Master's Degree in the selected field of expertise</b>	<b>10 points</b>

- Applicants to submit recent copies of qualifications

<b>REGISTRATION WITH THE LEGAL PRACTICE COUNCIL (10)</b>	<b>POINTS ALLOCATED</b>
<b>Proof of registration</b>	<b>10 points</b>
<b>No proof</b>	<b>0 points</b>

- Applicants to submit copies of registration with relevant professional bodies

## 5 DETERMING COSTS

Companies shortlisted to be in the panel of experts for RSR will from time to time be required to submit proposals or responses to bids. Because being on a database does not automatically translate to an award, there will still be competition amongst those that are on the panel and within the relevant band as determined by the functional areas above. Applicants will be asked for pricing, however where applicable, the prescribed tariffs as per the relevant Court Rules will be the preferred rates adopted by RSR.

NAME OF SECTOR			
OFFICIAL REGISTERING PROFESSIONAL AGENCY			
COMPANY REGISTRATION NUMBER (Where applicable)		INDIVIDUAL REGISTRATION NUMBER (Where applicable)	
DECLARATION	I /WE.....hereby confirm my / our association with the above professional registering agency and accepts their prescribed rates as the basis of pricing for bids issued by the Railway Safety Regulator. I/WE further authorize the RSR to engage the professional registering agency where the need arises to confirm My / Our registration details with the agency. I attach a copy of the applicable rates is published by the professional registering entity.		

## 6 DELIVERY OF PROPOSALS

- 6.1 Proposal document shall be submitted as one (01) original and one (01) scanned copy (PDF) of the original completed in a Flash Drive with the proposal and forms required.
- 6.2 The Proposals from service providers containing the following:
  - 6.2.1 Fully completed and duly signed SBD forms.
  - 6.2.2 Central Supplier database (CSD) Registration.
  - 6.2.3 Tax compliant status report with PIN,
  - 6.2.4 Company Profile

Must be hand delivered to the RSR no later than 12:00 pm on the 24 August 2021 and should be addressed to the:

**Manager: Procurement**

**Railway Safety Regulator**

**Building 4, Waterfall Point Office Park**

**Cnr Waterfall and Woodmead Drive,**

**Waterfall City**

**Midrand,**

**1685**

**Email: [goitseonek@rsr.org.za](mailto:goitseonek@rsr.org.za)**